

118 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH
(through video conferencing)

CR-2178-2021 (O&M)
Decided on : 21.03.2022

Mahant Budh Singh

..... Petitioner

Versus

Sh. Mahant Resham Singh and others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rishi Pal Singh, Advocate
 for the petitioner.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 10.02.2021 (Annexure P-1) whereby the application filed by the petitioner-defendant under Order 7 Rule 11 of CPC read with 151 CPC for rejection of plaint in Civil Suit No.CS/1309/2019 was dismissed.

Learned counsel for the petitioner inter alia contends that the Plaintiff No.1-respondent was not the President of the Society in question and rather it was defendant No.1- Mahant Gian Dev Singh, who was the President of the Society. Hence, respondent No.1 – Mahant Resham Singh was not entitled to call a meeting of the aforementioned Society. It was also submitted that in the aforementioned background, no cause of action accrued to the respondents to institute the suit for permanent injunction. It was further submitted that the suit in question was barred under Section 25 of the Societies Registration Act and deserved to be dismissed under Order 7 Rule 11 CPC sub clause 11-D. Learned counsel lastly submitted that the civil suit was also liable to be rejected on the ground of the matter being sub

judice as the respondents had also filed a suit involving similar issues, which was still pending adjudication.

Heard and perused the impugned order and other relevant material.

The provisions of Section 25 of Societies Registration Act are limited in their application only if there is some dispute regarding the election or continuation of an office bearer of a registered society. However, in the case in hand, the respondents have not sought any relief much less challenged any election or continuation of the members of the Society in question. Rather, the only relief sought is of permanent injunction, which can be sought at any time as and when the civil rights of a person are violated. Even the next contention of the learned counsel that the matter was sub judice is also devoid of merit as he has failed to bring on record anything to show that a civil suit involving similar issues was ever filed prior to the instant suit of permanent injunction. It would also be relevant to observe that Section 10 CPC does not bar the institution of subsequent civil suit and it is only the trial of the subsequent suit, if any, which is not to be proceeded with.

Accordingly, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

21.03.2022
sonia

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No